



Ms Tracy Day
Swale Borough Council
Swale House
East Street
Sittingbourne
Kent, ME10 3HT

11 February 2014

Dear Ms Day

Planning Application SW/13/1567 – Land opposite Greenways, Brogdale Road, Faversham

I apologise for the lateness of this letter, but trust it is still in time for your consideration.

As you will know, CPRE Protect Kent is the Kent Branch of the Campaign to Protect Rural England which is part of the national CPRE charity. It is our objective to retain and promote a beautiful and thriving countryside that is valued by everyone and we believe the planning system should protect and enhance the countryside in the public interest for the important contribution it makes to peoples' physical and mental wellbeing, as well as its vital role in feeding the nation. It is our position that local planning authorities should seek to ensure that the impact of development on the countryside, both directly and indirectly, is kept to a minimum and that development is sustainable in accordance with national planning policy.

We have looked very closely at this application and the supporting documentation, and we are familiar with the site. For the reasons we explain in this letter we consider that the application should be **refused** permission.

Introduction

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless other material planning considerations indicate that a different decision should be made. This plan-led approach to development is endorsed and enshrined in the National Planning Policy Framework (NPPF - e.g. as explained in paragraph 196). Consequently, the saved policies in the adopted Swale Borough Local Plan (SBLP) 2008 will comprise the primary consideration, though the NPPF and the emerging

The Kent Branch of the Campaign to Protect Rural England exists to promote the beauty, tranquility and diversity of rural England by encouraging the sustainable use of land and other natural resources in town and country.

Protect Kent, Queens Head House, Ashford Road, Charing, Kent, TN27 0AD Fax: 01233 714549 Email: info@protectkent.org.uk

Phone: 01233 714540 www.protectkent.org.uk

new Local Plan (published in draft form in August 2013) will be important material considerations.

We consider that the relevant saved policies in the adopted Local Plan remain up-to-date as they are consistent with the policy objectives of the NPPF, as we highlight in our detailed comments below.

The application is a cynical and deliberate attempt to pre-empt and undermine the emerging Local Plan, and thus the plan-led approach, by seeking to secure the development of a site that is not allocated for development in the adopted Local Plan and which has been rejected by the Council for inclusion in the new Local Plan. We are very concerned that the justification for the development, as presented in the applicants planning statement, seeks to pre-determine matters that are being considered through the Local Plan process, especially the amount of future housing provision in the Borough. Indeed much of the case presented comprises objections to the Local Plan not a justification for this application, and the Council should not be swayed by these arguments in considering the application.

We would raise the following specific points:

Location

The site is outside of the defined built-up-area of Faversham as defined on the Proposals Map of the SBLP. Therefore, in policy terms, the proposal comprises development in the open countryside contrary to the provisions of saved Policy E6 of the SBLP.

In paragraph 11 of the applicant's planning statement it is stated that the site "*represents a logical extension to the urban area*". We do not agree with that statement and, given that the Borough Council declined to allocate the site in the draft of the new Local Plan (*Bearing Fruits 2031*, August 2013), neither do the Council. However, in any event, any adjustment to the defined settlement boundary is a matter for the Local Plan to determine rather than this application.

Contrary to the claims made by the applicant, the location of the site south of the busy A2 makes the site an unsustainable location for development in terms of its relationship to the services that residents will need to access in Faversham. Indeed the Council's draft Strategic Housing Land Availability Assessment (SHLAA – 2011-2012) notes that the site "*is not ideally located in terms of accessibility to services, namely public transport, shopping and GP surgery*". Consequently, it will inevitably mean that access to local services will be achieved primarily by use of the private motor car. In particular the need to cross and negotiate the increasingly busy A2 to gain access to the railway station and town centre will militate against pedestrian and cycle use, and no facilities to make this easier are proposed. Consequently, the site would not help to promote the use of sustainable modes of transport, especially walking and cycling, as demanded by paragraph 35 of the NPPF, Policy SP1 of the SBLP and Policy DM6 of the emerging Local Plan (*Bearing Fruits 2031*, August 2013).

Sustainability

The NPPF seeks to ensure that development is sustainable, and it explains in paragraph 7 that sustainable development has three roles – economic, social and environmental. Paragraph 8 goes on to explain that these three roles should not be undertaken in isolation, and that sustainable development is achieved by ensuring that economic, social and environmental gains are sought jointly and simultaneously. This proposal does not comprise sustainable development in accordance with these requirements of the NPPF. The proposal fails to bring the necessary environmental gains demanded of sustainable development, and in fact results in environmental losses.

The site comprises 3.5 hectares of greenfield land. It is the policy of the SBLP, as expressed in saved policies SP1, SP4 and FAV1, that the amount of greenfield land needed for development should be kept to the minimum in order to promote efficient use of previously-developed land. This echoes the Core Planning Principle listed in paragraph 17 of the NPPF which seeks to:

“encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”

This is reiterated in paragraph 111 of the NPPF.

The emerging Local Plan (*Bearing Fruits 2031*, August 2013) also embraces this principle, which in point 10h of Policy ST1 sees the use of previously developed land as one of the key components in delivering sustainable development in the Borough. The approval of this application would undermine the Council’s ability to achieve this important planning principle, and environmental gain, by pre-empting strategic decisions on the location of future major development in the Borough generally and at Faversham in particular.

The Site also comprises land that is in agricultural use. The Natural England mapping of agricultural land shows all the land on the southern side of the A2 at Faversham as being grade 1 in quality¹. Such land is defined as being excellent quality agricultural land where there is no or very minor limitations to agricultural use. It enables a very wide range of agricultural and horticultural crops to be grown, including top fruit, soft fruit, salad crops and winter harvested vegetables as well as the more usual crops. Yields are high and less variable than on land of lower quality.

An agricultural appraisal submitted by the applicant states that the land is grade 2 in quality, though the precise nature of the soil quality assessment undertaken to determine this is unknown. However, whether the land is Grade 1 or 2, in terms of policy the site comprises ‘best and most versatile’ agricultural land, which is the most valuable for agricultural production.

¹ See: <http://publications.naturalengland.org.uk/file/128043>

The very first paragraph of the applicant's planning statement describes the site as comprising 'surplus land' and the agricultural appraisal seeks to explain why the site is of no value in agricultural terms. We strongly dispute these claims. Food security and maintaining the ability to feed a growing population is an increasingly important national and social issue, meaning that giving up precious high quality land for development should be robustly justified. This is why national planning policy seeks to protect such land and to steer development to land of lower quality. This is explicitly explained in paragraph 112 of the NPPF, which states:

"Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality."

Point 10i of Policy ST1 of the emerging Local Plan (*Bearing Fruits 2031*, August 2013) echoes this requirement.

Further guidance on using agricultural land is provided in Policy DM30 of the emerging Plan, which states:

"Development on agricultural land will only be permitted when there is an overriding need that cannot be met on land within the built-up area boundaries. Development on best and most versatile agricultural land (specifically Grades 1, 2 and 3a) will not be permitted unless:

- 1. The site is allocated for development by the Local Plan;*
- 2. There is no alternative site on land of a lower grade than 3a; or*
- 3. Use of land of a lower grade would significantly and demonstrably work against the achievement of sustainable development; and*
- 4. The development will not result in the remainder of the agricultural holding becoming not viable.*

The proposal does not comply with this Policy. The site is not allocated for development and alternative sites on lower quality land are proposed by the Borough Council in the emerging Local Plan.

We can see no reason why this site cannot continue in agricultural production, perhaps for hops as was historically the case, or even as allotments, a community orchard or as a small holding. The agricultural assessment provides no assessment of these types of uses, and provides no evidence that it has been offered on the open market for continued agricultural or productive use. To claim it is surplus and of no continued value to agricultural production is, we believe, an overstatement to help justify development and to get round the Council's concerns about the loss of agricultural land.

Therefore, for the reasons we explain above the proposal does not comprise sustainable development as required by the NPPF. It fails to ensure the most effective use of land to meet the future development needs of Faversham and it

involves the use of land of best and most versatile quality when alternative land of lower quality has been identified for development in the emerging Local Plan. The loss of this high quality agricultural land will be an environmental, economic and social loss. Consequently, the proposed development is contrary to paragraphs 8, 17, 111 and 112 of the NPPF; saved policies SP1, SP4 and FAV1 of the SBLP; and policies ST1 (h and i) and DM30 of the emerging Local Plan (*Bearing Fruits 2031*, August 2013) in these regards.

Furthermore, because it does not comprise sustainable development, the 'presumption in favour' of sustainable development, as outlined in paragraph 14 of the NPPF, does not come into play.

Character of Faversham and its Landscape Setting

Faversham is a small historic market town contained by the A2 to the south, the Western Link to the west, Love Lane to the east and by the Swale estuary and marshes to the north. Consequently, it is a town with clearly defined edges and a clear distinction between built development and the surrounding countryside. Consequently, unlike other less well defined towns, it has not suffered from suburban sprawl, which this application would comprise and further encourage south of the A2. A particular defining feature of the town is that the A2 runs along its edge, rather than through its centre. The town sits entirely to the north of this busy road, which is a strong defining boundary which has stood the test of time.

The surrounding countryside helps define the character of Faversham and provides its setting. The application site comprises a large open area and forms part of this countryside setting and it provides part of the rural approach to the town along Brogdale Road, which is primarily undeveloped as it approaches the town from Brogdale just to the south of the M2 Motorway.

As shown in the Swale Landscape Character and Biodiversity Supplementary Planning Document (SPD) 2011, the site together with the other land south of the A2 falls in the Faversham and Ospringe Fruit Belt character area. This character area extends further to the south, beyond the M2 Motorway, and links into the designated North Downs Special Landscape Area (SLA) and the Kent Downs Area of Outstanding Natural Beauty (AONB). Despite the Motorway it provides a continuity of landscape type southwards from the A2 into the SLA and AONB. It is a landscape described as being in good condition.

The Inspector who held the inquiry into the now adopted SBLP considered a number of proposals for development of land south of the A2, and rejected them all, largely on the basis that the A2 provided a strong barrier/boundary to the town. As the Inspector explains in paragraph 109.3 of his report when considering proposed development at the nearby Abbey School "... *the A2 itself is a very strong physical boundary forming a logical and defensible edge to the urban area of the town adjoining it to the north.*"

The Inspector recognised that to the south of the A2 the character was distinctly rural and open, for example at paragraph 129.8 of his report he said:

“In my conclusion there is a very distinct change in the character of the area when the A2 is crossed from the north. A sense of openness and space prevails.”

The development of this open site, as proposed in the application, will have a profound effect on the countryside and landscape setting of Faversham in this location. It will introduce built development into an area which currently has a continuity of landscape type from the town to the AONB, and it will sit on the bottom of the gentle dip slope of the Downs. The proposed landscape buffer/planting will introduce an alien landscape feature in the general landscape typology. This landscape provides a direct link between town and country that successive local plans have sought to maintain as an integral part of the development strategy for Faversham; a strategy that the emerging new Local Plan seeks to retain.

Development Needs

The application is being promoted on the basis that housing provision in the emerging Local Plan is too low, both Borough-wide and in Faversham, and that the Council does not have a five year land supply. Fundamentally, the application is seeking to pre-empt the proper consideration of the future development needs of Faversham through the Local Plan process. It is seeking to disregard the spatial strategy that underpins both the adopted and the emerging local plans.

Over the last twenty years successive local plans have focused development in the Thames Gateway part of the Borough rather than at Faversham. At Faversham the strategy has been one of restraining development because of the historic character and countryside setting of Faversham. This difference in strategic approach is articulated in policies TG1 and FAV1 of the adopted SBLP. The emerging Local Plan seeks to continue this strategy, and to promote what is described as organic growth at Faversham, i.e. gradual and unforced (see paragraph 4.5.6 of *Bearing Fruits 2031*, August 2013). The application fundamentally seeks to undermine this strategic approach to development at Faversham.

By invoking the five year land supply issue, the applicant is seeking to remove these spatial strategy considerations by focusing attention on the Borough-wide situation. It is a deliberate attempt to circumvent the strategic approach to development at Faversham. However, the Council should not succumb to this pressure, as paragraph 17 of the NPPF has a Core Planning Principle which accepts that it is appropriate *“to take account of the different roles and character of different areas.”* This enables the Council to consider this proposal in the context of the spatial strategy for Faversham.

Planning for housing provision in the Borough reflects this spatial strategy. In the adopted SBLP the housing target for Faversham is 1,000 dwellings over the period 2001 to 2016 (as explained in paragraphs 2.87 and 4.81 of the Plan). The South

East Plan, which similarly distinguishes between Faversham and the Thames Gateway, sets a housing target of 700 dwellings for the Faversham area over the period 2006 to 2026 (see Policy EKA3). These currently remain the agreed housing targets for Faversham.

From information provided to us by the Borough Council, completions between 2001 to 2013 amount to 1,160 dwellings. As at 31 March, extant planning permissions stood at 249 dwellings whilst a further 60 dwellings have been permitted since 1 April 2013 (by the end of January 2014). The target of 1,000 dwellings to 2016 set in the adopted SBLP has therefore already been met and exceeded.

In regard to the South East Plan housing target, the same figures supplied to us by the Council show that 643 dwellings were completed in the Faversham area between 2006 and 2013. This, together with the extant permissions shown above, means that the South East Plan target for Faversham has also been met and exceeded.

It is clear, therefore, that the targets set for Faversham in the adopted SBLP and in the South East Plan have already been met and exceeded. Consequently it is difficult to see why there is an urgent need to boost housing land supply in Faversham now, as claimed by the applicant. This will be done through the Local Plan, having regard to objectively assessed need and the time horizon of the plan in accordance with the requirements of the NPPF.

With regard to calculating the five year land supply, at the current time there is no objectively set housing need for Swale, or for Faversham, that has been determined. This is currently being addressed through the emerging Local Plan. It is certainly not appropriate, as the applicant suggests, to use as the bases for assessing five year supply an evolving figure from work informing the Local Plan that has not been the subject of public scrutiny.

In this situation it is normal practice to use the most up-to-date housing target that has been agreed for assessing five year supply. This would be the target set in the South East Plan, which for the whole of Swale Borough is the provision of 10,800 dwellings between 2006 and 2026 at a rate of 540 dwellings per annum (dpa). The Kent County Council Housing Information Audit for 2012/13, published in October 2013, presents the most recent assessment of five year supply². This concludes that against the South East Plan there is a shortfall of 221 dwellings for the period 2013/14 to 2017/18.

However, this assessment of the five year housing land supply is wrong for two reasons. Firstly, prior to 2013/14 the average annual completions in Swale since 2006/07 have in fact been higher than the 540 dpa requirement of the South East Plan. For these seven years, and as reported in the KCC Annual Housing Audit, a total of 3,926 dwellings were completed at an average of 560 dpa. This is 146 dwellings more than required over these years. If it were the case that there had

² See: <http://www.swale.gov.uk/assets/Planning-General/Planning-Policy/Monitoring/2013-SWALE-HIA-district-report.pdf>

been an under provision during these years the deficit would be rolled forward and added to the annual rate of provision for the remainder of the plan period. The converse, therefore, must be true; that any over provision should be subtracted from the requirement for the remainder of the Plan period. Allowing for this means that for the remainder of the plan period (2013/14 to 2025/26) the average annual requirement is 529 dpa. The calculation of the five year supply should, therefore, be based on this annual requirement rather than 540 dpa. This would mean that the requirement for the next five years would be 2,645 dwellings rather than 2,700 dwellings. With an identified supply of 2,479 dwellings, this would mean the five year supply would be just 166 dwellings short of requirement.

Secondly, paragraph 48 of the NPPF allows windfalls to form part of the five year supply if there is *“compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply.”* The Council’s Strategic Housing Land Availability Assessment (SHLAA) Update of August 2013 concludes that data shows that there is compelling evidence that such sites have consistently become available over a long period of time (paragraph 56). However, whilst the SHLAA up-date concludes that housing monitoring shows that windfalls accounted for 145 dpa over the last 20 years (prior to 2011/12), it recommends that a heavily discounted allowance of 72 dpa (1,449 dwellings) should be included in the new Local Plan. Even at this heavily discounted rate, windfalls would provide 360 dwellings over the 5 year period 2013/14 to 2017/18. By including these windfalls in the calculation, the deficit of 166 dwellings becomes a surplus of 194 dwellings, meaning the five year requirement is met.

This then leaves the issue of the ‘buffer’ required under the NPPF and whether this should be 5% or 20%. We can see no case for applying a 20% buffer as the Council clearly does not have *“a record of persistent under delivery of housing”* because, as we have explained above, delivery since 2006/07 has exceeded the requirement. Therefore, the required buffer is 5%. This would mean an additional 132 dwellings to be provided over the five year period (i.e. 5% of 2,645). Applying this would still mean that the five year supply is in surplus.

Therefore, having regard to these points, there is in fact a demonstrable five year supply of land for housing development in the Borough, in accordance with the requirements of the NPPF. This means that the applicant’s primary case for granting planning permission falls.

Notwithstanding this, as we explain above, the housing target for the Faversham area – as required by both the adopted Local Plan and the SE Plan - has already been met and exceeded. Therefore, even if the applicant is right that there is a short fall in the five year supply, this is because of failure in the Thames Gateway part of the Borough and not because of any failure in delivering in the Faversham area. As paragraph 4.5.45 of the draft emerging Local Plan (*Bearing Fruits 2031*, August 2013) explains:

“Whilst it will be necessary to ensure that housing targets are met, given the variances in emphasis between the Thames Gateway and the rest of Swale, it

would be considered contrary to the Local Plan strategy to seek to make up a shortfall in housing land supply caused by the non-delivery of sites within the Gateway elsewhere in the Borough.”

This underlines the importance of the spatial strategy and why it is important that “*the different roles and character of different areas*” must be taken into account, in accordance with paragraph 17 of the NPPF.

Transport Issues

There are a number of transport issues that we would raise:

Character of Brogdale Road: Access to the site will be provided by way of a new junction onto Brogdale Road. The introduction of this junction, together with the physical presence of the development itself, will have a significant urbanising effect on the road. At the current time it is essentially a rural road that provides the link to Faversham for a number of rural communities to the south.

As a result of this development, the rural character of Brogdale Road will fundamentally change as it approaches the A2. Along this stretch of the road it is already difficult (and dangerous) for cars to pass and without ‘pulling in’ it is impossible for a car and a larger vehicle to pass. In our view it is a sub-standard road to be used to provide access to this scale of development.

This will be particularly so if the development proposed under application SW/14/0015 is approved. It is unclear whether or not this proposed development has been factored in to the traffic assessments undertaken.

Impact on the A2: Clearly traffic from this site will feed onto the A2. The A2 is a road that is already operating at above capacity especially, but not entirely, at peak hours. No traffic controls are proposed for the junction of Brogdale Road and the A2. Queuing at this junction is already a problem at peak times due to the amount of traffic on the A2 and, in particular, it is difficult turning right onto the A2. The development will increase the queuing at this junction due to additional traffic from the site. This will inevitably lead to even more rat-running by traffic through residential streets to avoid the queuing on the A2 and/or to gain access to Faversham town centre – e.g. via Upper St. Ann’s Road, Egbert Road, Canute Road, Ethelbert Road, Athelstan Road and Kingsnorth Road. It is already common practice for vehicles to turn left out of Brogdale Road and then right into Upper St. Ann’s Road to avoid the queuing traffic of the A2.

The stretch of the A2 through Ospringe, essentially that part of the road falling in the Ospringe Conservation Area, has been designated an Air Quality Management Zone. The designation, made in 2011, was made because of the heavy traffic volumes using the road. We believe that this development will increase the air quality problem at Ospringe as a result of more queuing as a direct result of increased traffic on the A2.

Again, it is unclear whether or not the development proposed under application SW/14/0015 has been factored in to the traffic assessment undertaken.

Sustainable Transport: As we have explained already, development in this location militates against sustainable transport options. It is poorly served by public transport, and the A2 acts as a strong barrier to pedestrian and cycle movements.

Conclusion

In conclusion, and having regard to the points we make in this response, there are clear cut reasons why this application should be refused. It is primarily being justified on the basis of a pressing need for further housing to be provided in the Borough, in particular to address a shortage in the five year land supply. However, as we demonstrate in this letter, there is no such shortage. Consequently, the presumption in favour of sustainable development does not come into play and the provisions of the development plan prevail. As a result the decision is clear cut and straightforward as the proposal is contrary to the adopted SBLP as we have highlighted in this response. It is also contrary to aspects of the NPPF and the emerging Local Plan, again as we have highlighted in this response. There are also a range of other material considerations, again as we have highlighted, which militate against the proposed development of this site. The case against development is overwhelming.

We trust that the Council will give full regard to the points we make in this response and that planning permission will be refused.

Yours sincerely

Brian Lloyd BSc (Hons) MSc MRTPI
Senior Planner
CPRE Kent

Cc Peter Blandon, Chairman of the CPRE Swale District Committee